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RUEHDS/AMEMBASSY ADDIS ABABA IMMEDIATE 1374
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C O N F I D E N T I A L SECTION 01 OF 06 USUN NEW YORK 000563

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SUBJECT: AU/UN HYBRID IN DARFUR: NARROWING DIFFERENCES

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Classified By: Ambassador Zalmay Khalilzad for Reasons 1.4 (b,d)

11. (C) This message updates on the current state of play in pre-negotiations on the draft Security Council resolution likely to be tabled July 11 by the UK and Ghana mandating the African Union (AU) - United Nations (UN) hybrid peacekeeping operation in Darfur. This message contains a recommendation at paragraph 8.

FUNDAMENTAL DIFFERENCES OF INTERPRETATION WITH UK

12. (C) Since informal pre-negotiations began June 22 on the UK-Ghana draft resolution to mandate the AU-UN hybrid operation in Darfur, differences have emerged between USUN and UKUN approaches to our Sudan policies at the UN. These differences include most notably our push for clear language on command and control for the hybrid. UKUN, backed by France, argued that consensus was necessary for this hybrid draft resolution in order to keep the possibility of multilateral sanctions for Sudanese non-compliance open and to prevent further Council divisions on the Darfur issue. UKUN and France envision a consensus on a Presidential text that would build on the positive momentum generated by President Bashir's acceptance of the hybrid as described by the AU and the UN last month. UKUN on July 9 informed USUN that France would be willing to co-sponsor the draft text as it stands now, provided that none of our contentious language on command and control (which they deem to be a deal-breaker with the AU and Sudan) and timelines (which they fear will be unrealistic) was added.

13. (C) France's initial co-sponsorship, however, is linked to that of Ghana as AU President. UKUN told USUN on July 10 that Ghana is now having second thoughts and would be willing to co-sponsor only if the other African Council Members supported the text. Given the unlikelihood that South Africa (which opposes UNSCR 1706 and sanctions references in the draft text shared with it by UKUN) would do so from the outset, UKUN has started intensive outreach to the Ghanaian Mission and has deferred tabling the hybrid draft resolution until July 11. UKUN has requested USUN assistance in keeping Ghana on board, and we are following up at Ambassadorial level on this request, as well as with the other African

Council Members' leadership.

14. (C) We have conducted several rounds of intense and difficult negotiations with UKUN, at both working and Ambassadorial level. UKUN Permanent Representative Jones Parry, insisting that he speaks for London on Darfur, has been intransigent on several issues: which document (draft resolution versus the AU-UN June 5 Report) should legally mandate the hybrid; how to protect African sensitivities on command and control; and the "impossibility" of any forward deployment before the expiration of AMIS' mandate on December 31. UKUN maintains that all aspects of the Report should be endorsed in mandating the hybrid, not simply select paragraphs; that we should put our faith (as would Department of Peacekeeping Operations (DPKO) Under-Secretary-General Guehenno) in the judgment of the Hybrid Force Commander when issuing operational instructions to troops on the ground rather than ignoring the joint nature of the hybrid operation by formalizing in the resolution the UN's primacy over the AU in this regard; and that we should be more realistic about the time needed to deploy over 20,000 troops to Darfur. To do otherwise, Jones Parry argues, would be to insult the AU and "sabotage" its agreement to the hybrid; to infuriate Khartoum, which would in turn incite its Council allies against the hybrid resolution; and to be seen as the obstacle to the hybrid resolution's adoption and implementation.

15. (C) UKUN says that London's redline is a Chapter VII reference but doubts that London would ultimately block the text were China or other Members to insist such language be dropped so that the resolution could pass unanimously (NOTE: During UNSCR 1706 negotiations, it was not on the sole basis of Chapter VII that China, Russia and Qatar abstained, but rather on the implication that deploying troops under this Chapter would occur absent Sudanese consent. END NOTE). UKUN told USUN it suspected Washington would respond the same way with our command and control redline as London would with

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its Chapter VII redline.

DPKO OFFERS ADVICE

16. (C) Arguments presented by the UKUN Expert and Ambassador during P3 hybrid negotiations have been echoed by both DPKO working-level staff and leadership during separate meetings with USUN. Some of DPKO's arguments, however, seem to cut both ways, particularly on command and control. DPKO has told USUN privately that it would like to see more clarity on command and control, given that the June 5 Report was vague, and has offered to provide examples of such language, which USUN discussed with DPKO Assistant-Secretary-General Annabi on July 9 and with DPKO U/SYG Guehenno on July 10. After pushing by Ambassador Khalilzad for specificity on goals for hybrid deployment, DPKO on July 10 agreed to language now reflected in OP3 of the draft in paragraph 9, with the caveat that these dates not be "set in stone," in order to avoid potentially damaging UNAMID's credibility on the ground. Guehenno also promised to provide the P3 with DPKO's own internal timeline on what deployment benchmarks could be feasibly met by the time AMIS transfers to UNAMID; USUN Military Staff Committee is double-tracking DPKO's assessment with its own analysis by our resident military planner. UKUN repeatedly advises that if we can get the UN to agree with our language on our redline issues, then it (and the French Mission) would have no trouble including the language in the draft resolution.

17. (C) More importantly, UKUN has said that if we can get AU Commission Chairperson Konare to agree to our language, then we would have smooth sailing on the draft resolution not only among the P3 but among the wider Council Membership as well (NOTE: UKUN plans to table the latest draft text on July 11; text in paragraph 9. END NOTE). Konare will be in Washington and New York during the week of July 9, which

presents an ideal opportunity to seek his endorsement of our redlines. With Konare on board, Ghana would likely align itself with our strong stance, as it attempts to balance its roles as both USG supporter and AU President. Should Ghana buy in, the other Council Members would be more likely to follow suit, which would make it all the more difficult for traditional obstructionists like China, Qatar and South Africa to override their positions. South Africa, however, will require special massaging, but once on board, it would be that much more difficult for Sudan to challenge the Council's position.

RECOMMENDATION

18. (C) On one level, the UK and France are correct: without AU buy-in to strong hybrid language, there will be no hybrid. This operation, unlike traditional UN peacekeeping ventures, is not a solely UN-led mission. Its joint AU-UN nature necessitates a joint approach to its participants. USUN maintains its steady scrutiny on the UN to maintain timelines and keep the Darfur peacekeeping process moving forward, but there must be a parallel effort with the African Union in order for the operation to succeed. USUN recommends we take advantage of AU Commission Chairman Konare's presence in Washington this week to press the language we want in the hybrid draft resolution and to maintain pressure on that organization's leadership to move in lock-step with us, rather than letting Khartoum or other spoilers fill this role. USUN further recommends that we bear in mind the realities associated with getting a 20,000-troop African Union force stood up in Darfur and consider focusing on front-loading as much as possible deployment of HSP elements (including the two additional battalions for security) between October 1 and January 1. January 1 would then become the date when all existing AMIS units would come under the UN logistical umbrella and when deployment of UN-generated hybrid forces would begin.

LATEST DRAFT RESOLUTION

19. (SBU) Begin text of latest draft resolution:

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Recalling its previous resolutions concerning the situation in Sudan, in particular resolutions 1755 (2007) of 30 April 2007, 1714 (2006) of 6 October 2006, 1713 (2006) of 29 September 2006, 1706 (2006) of 31 August 2006, 1679 (2006) of 16 May 2006, 1663 (2006) of 24 March 2006, 1593 (2005) of 31 March 2005, 1591 (2005) of 29 March 2005, 1590 (2005) of 24 March 2005 and 1556 (2004) of 30 July 2004 and the statements of its President concerning Sudan,

Recalling also its previous resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, 1612 (2005) on children in armed conflict, and 1674 (2006) on the protection of civilians in armed conflict, which re-affirms inter alia the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document, as well as the report of its Mission to Khartoum and Addis Ababa from 16 to 17 June 2007,

Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and to the cause of peace, and expressing its determination to work with the Government of Sudan, in full respect of its sovereignty, to assist in tackling the various problems confronting Sudan,

Noting the conclusions of the Addis Ababa high-level consultation on the situation in Darfur of 16 November 2006 as endorsed in the communiqu  of the 66th meeting of the Peace and Security Council of the African Union held in Abuja on 30 November 2006 as well as the communiqu  of 79th meeting

of the Peace and Security Council of the African Union on 22 June 2007, recalling the statement of its President of 19 December 2006 endorsing the Addis Ababa and Abuja agreements, calling for them to be implemented by all parties without delay and for all parties to facilitate the immediate deployment if the United Nations Light and Heavy Support packages to the African Union Mission in the Sudan (AMIS) and a Hybrid operation in Darfur, for which back-stopping and command and control structures will be provided by the United Nations,

Welcoming the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, commending in this regard the agreement of Sudan, as detailed in the conclusions of the high-level AU/UN consultations with the Government of Sudan in Addis Ababa on 12 June 2007 and confirmed during the Council's meeting with the President of Sudan on 17 June in Khartoum, that the Hybrid operation shall be deployed in Darfur in full and without conditions, and recalling the Addis Ababa Agreement that the Hybrid operation should, as far as possible, be sourced from African countries,

Commending the efforts of the African Union for the successful deployment of AMIS, as well as the efforts of member states and regional organisations that have assisted it in its deployment, stressing the need for AMIS, as supported by the United Nations Light and Heavy Support Packages, to assist implementation of the Darfur Peace Agreement until transition to the Hybrid is completed, calling upon the Government of Sudan to immediately remove all obstacles to the proper discharge by AMIS of its mandate; and recalling the communiqué of the 79th meeting of the Peace and Security Council of the African Union of 22 June to extend the mandate of AMIS for an additional period not exceeding six months until 31 December 2007,

Re-iterating its belief that the Darfur Peace Agreement provides a basis for sustained security in Darfur; and deploring that the Agreement has not been fully implemented by the signatories, and calling for a comprehensive peace agreement and cease-fire,

Noting with strong concern the evidence of violations of the UN arms embargo set out in Resolutions 1591 (2005) and 1556 (2004) and on-going attacks by rebel, Government and Janjaweed forces on the civilian population and humanitarian workers, aerial bombings and the use of United Nations markings on aircraft used in such attacks, continued and widespread sexual violence and widespread impunity for perpetrators of such crimes as outlined in the Report of the Secretary-General and the Chairperson of the African Union

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Commission on the Hybrid Operation in Darfur, the Interim Report of the Panel of Experts established pursuant to resolution 1591 (2005), the High-Level Mission of the United Nations Human Rights Council on the situation in Darfur of 9 March 2007 and the report of the Secretary-General of 23 February 2007 through, reiterating in this regard its condemnation of all violations of human rights and international humanitarian law in Darfur, and recalling the provisions in Resolution 1591 (2005),

Reiterating its deep concern for the security of humanitarian aid workers and their access to populations in need, and condemning all parties, in particular the Government of Sudan, for their failure to ensure the full safe and unhindered access of relief personnel to all those in need in Darfur as well as the delivery of humanitarian assistance, in particular to internally displaced persons and refugees,

Reaffirming its concern that the ongoing violence in Darfur might further negatively affect the rest of Sudan as well as the region, in particular Chad and the Central African

Republic, stressing that regional security aspects must be addressed to achieve long-term peace in Darfur, and calling on the Governments of Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

¶1. Decides, in order to support the early and effective implementation of the Darfur Peace Agreement and the outcome of the negotiations foreseen in paragraph 14, to authorise and mandate the establishment, for an initial period of 12 months pursuant to paragraph 3, of an AU/UN Hybrid operation in Darfur (UNAMID), as set out in this resolution and pursuant to the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

¶2. Decides that UNAMID, which shall incorporate AMIS personnel and the UN Heavy and Light Support Packages to AMIS, shall consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each;

¶3. Calls on all parties to urgently facilitate the full deployment of the UN Light and Heavy Support Packages to AMIS and preparations for UNAMID, on Member States to finalize their contributions to UNAMID within 30 days of the adoption of this resolution, and on the Secretary-General and the Chairperson of the African Union Commission to agree the structure and composition of the headquarters of UNAMID, through which operational directives will be implemented, within 90 days of the adoption of this resolution with deployment of hybrid elements to commence immediately thereafter, recalls the decision of the African Union Peace and Security Council on 27 June 2007 to extend the mandate of AMIS to 31 December 2007, and decides that the transfer of authority from AMIS to UNAMID shall take place no later than this date;

¶4. Decides that there will be unity of command and control, which, in accordance with basic principles of peacekeeping, means a single chain of command, and further decides that command and control structures and backstopping will be provided by the United Nations;

¶5. Welcomes the appointment of the AU-UN Joint Special Representative for Darfur Rodolphe Adada and Force Commander Martin Agwai, and calls on the Secretary-General to immediately begin deployment of the command and control structures and systems necessary to ensure a seamless transfer of authority from AMIS to UNAMID;

¶6. Decides that force and personnel generation and administration shall be conducted as set out in paragraphs 113-115 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and requests the Secretary-General to put in place without delay the practical arrangements for deploying UNAMID

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including submitting to the General Assembly recommendations on funding and effective financial management and oversight mechanisms;

¶7. Decides that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

¶8. Calls upon all Member States to ensure the free, unhindered and expeditious movement to Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive use of UNAMID in Darfur;

¶9. Considers that AMIS needs urgent financial, logistical and other support, and calls on member states and regional organisations to provide further assistance, in particular to permit the early deployment of two additional battalions during the transition to UNAMID;

¶10. Decides that the authorised strength of UNMIS shall revert to that specified in resolution 1590 (2005) pursuant to paragraph 3;

¶11. Demands that all parties to the conflict in Darfur fully co-operate with, and immediately cease hostilities and attacks on, AMIS, civilians and humanitarian agencies, their staff and assets, and relief convoys, and give all necessary assistance to the deployment of UNAMID and the United Nations Light and Heavy Support Packages to AMIS;

¶12. Acting under Chapter VII of the Charter of the United Nations:

(a) decides that UNAMID is authorised to use all necessary means, in the areas of deployment of its forces and as it deems within its capabilities:

(i) to protect its personnel, facilities, installations and equipment, to ensure the security and freedom of movement of its own personnel and humanitarian workers, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, and without prejudice to the responsibility of the Government of Sudan, to protect civilians under threat of physical violence,

(ii) in order to support early and effective implementation of the Darfur Peace Agreement, to prevent attacks and threats against civilians,

(iii) to seize or collect, as appropriate, arms or related material whose presence in Darfur is in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004), and to dispose of such arms and related material as appropriate;

(b) requests that the Secretary-General, in consultation with the Chairperson of the African Union, and the Government of Sudan conclude within 30 days a status-of-forces agreement with respect to UNAMID, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and decides that pending the conclusion of such an agreement the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall provisionally apply with respect to UNAMID personnel operating in that country;

¶13. Requests the Secretary-General to take the necessary measures to achieve actual compliance in UNAMID with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, and to further take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training and, in the case

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of forces previously deployed under AU auspices, post-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

¶14. Emphasises there can be no military solution to the conflict in Darfur, and calls upon the Government of Sudan

and the rebel groups to enter into talks under the mediation, and in line with the deadlines set out in the roadmap, of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur, who have its full support;

¶15. Strongly condemns the continued violations of the Darfur Peace Agreement and Resolutions 1591 (2005) and 1556 (2004), and demands that all parties meet their existing obligations;

¶16. Welcomes the signature of a Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur, and calls for it to be fully implemented and on all parties to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees;

¶17. Recalls its request in resolution 1713 (2005) for the Panel of Experts to provide a final report no later than 30 days prior to termination of its mandate on 29 September 2007 to the Council with findings and recommendations;

¶18. Requests the Secretary-General to report to the Council no later than 90 days after the adoption of this resolution on progress being made on, and any obstacles to:

- (a) the implementation of the Light and Heavy Support Packages and UNAMID,
- (b) the implementation of the Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur,
- (c) the political process,
- (d) the implementation of the Darfur Peace Agreement and the demands of the Council in its previous Resolutions, and
- (e) the cease-fire;

¶19. Further requests the Secretary-General and the UN Panel of Experts to report immediately to the Council on any failure by the parties to comply with this resolution, resolutions 1556 (2004) and 1591 (2005) and their commitments under the Darfur Peace Agreement;

¶20. Stresses that, in the event the parties to the conflict in Darfur fail to fulfill their commitments, or co-operate fully with this resolution, resolution 1591 (2005) or resolution 1556 (2004), the Council, drawing on the above reports, will take further measures;

¶21. Recalls the reports of the Secretary-General of 22 December 2006 (S/2006/1019) and 23 February 2007 (S/2007/97) which detail the need to improve the security of civilians in the regions of eastern Chad and north-eastern Central African Republic, reiterates its readiness to consider deploying a United Nations Peacekeeping operation, and looks forward to the Secretary-General reporting on his recent consultations with the Governments of Chad and CAR;

¶22. Stresses its willingness to consider, in due course and as appropriate, reducing the size of UNAMID, on the recommendation of the Secretary General, should the security and humanitarian situation in Darfur significantly improve;

¶23. Decides to remain seized of the matter.

¶10. (U) End draft resolution text.
KHALILZAD